

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDWARD ALVARADO, et al.,
Plaintiffs,
v.
FEDEX CORPORATION,
Defendant.

No. C 04-00098 SI

ORDER RE: PUNITIVE DAMAGES PHASE

This order addresses the punitive damages phase, scheduled for September 6, 2006. A plaintiff is not required to introduce evidence of defendant's financial condition in order to obtain punitive damages. *See Kemezey v. Peters*, 79 F.3d 33 (7th Cir. 1996). Defendant may, but is not required, to put on evidence of financial condition in opposition and/or mitigation of the punitive damages sought. *See Mason v. Oklahoma Turnpike Auth.*, 182 F.3d 1212 (10th Cir. 1999).

IT IS SO ORDERED.

Dated: September 5, 2006



SUSAN ILLSTON
United States District Judge